

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Civil No. 12-95

2002 CADILLAC ESCALADE LUXURY
VIN:1GYEK63N42R257634,

Defendant,

and

SERVANDO ARELLANES, SR. AND
GUADALUPE ARELLANES,

Claimants.

VERIFIED COMPLAINT FOR FORFEITURE *IN REM*

Plaintiff states:

JURISDICTION AND VENUE

1. This is a civil action *in rem* for forfeiture of Defendant which has been located and will be arrested by execution of a Warrant for Arrest in the District of New Mexico; and during the pendency of this action Defendant, or its equivalent or proceeds thereof, will be subject to the jurisdiction of this Court.

2. The United States District Court for the District of New Mexico has exclusive, original jurisdiction under 28 U.S.C. §§ 1345, 1355 and 1356.

3. Venue is proper under 28 U.S.C. §§ 1355 and 1395.

4. The “res” or Defendant Property which is the subject of this action is a 2002 Cadillac Escalade Luxury VIN:1GYEK63N42R257634 (hereafter referred to as “Defendant Vehicle”).

PARTIES AND CLAIMANTS

5. The following persons may claim an interest in Defendant Vehicle:
 - (a). Servando Arellanes, Sr. at 637 East 6th Street, Roswell, NM 88201 and/or Otero County Prison Facility ID:63802051, 10 McGregor Range Road, Chaparral, NM 88081, whose attorney is Herman E. Ortiz, Esq., P.O. Box 937, Mesilla Park, NM 88047;
 - (b). Guadalupe Arellanes at 637 East 6th Street, Roswell, NM 88201, whose attorney is Herman E. Ortiz, Esq., P.O. Box 75, Garfield, NM 87936.

STATEMENT OF FACTS

6. On July 22, 2011, the Drug Enforcement Administration (DEA) performed a controlled purchase of 46 grams of cocaine from Servando Arellanes, Jr. in Roswell, New Mexico at Melendez Park. Arellanes drove a 2002 Cadillac Escalade (Defendant Vehicle) to the park prior to the sale. During the drug purchase Arellanes commented that the Defendant Vehicle belonged to him.

7. A grand jury indicted Servando Arellanes on charges of Distribution of Cocaine; and Aiding and Abetting in *U.S. v. Servando Arellanes*, Criminal No. 11-2468 JB. Servando Arellanes was arrested at a store where he worked.

8. The DEA saw the vehicle at the store and observed Arellanes utilizing Defendant Vehicle on a daily basis. The Defendant Vehicle was seized at the time of Arellanes arrest.

9. On November 23, 2011, in *U.S. v. Servando Arellanes*, Criminal No. 11-2468 JB, Arellanes pled guilty (Doc. 22) to an Indictment charging him with Distribution of a Mixture and

Substance Containing Detectable Amount of Cocaine. In paragraph 7 of his plea agreement, Arellanes admitted to the following facts:

On July 22, 2011, in Chaves County in the District of New Mexico, I, Servando Arellanes, sold cocaine to a confidential source in exchange for money. I knew that the substance sold was in fact cocaine.

CLAIMS FOR RELIEF

10. Defendant Vehicle is subject to arrest and forfeiture to Plaintiff under 21 U.S.C. § 881(a)(4) because it was used, or intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession or concealment of illegal controlled substances.

11. Defendant Vehicle is subject to arrest and forfeiture to Plaintiff under 21 U.S.C. § 881(a)(6) because it was furnished, or intended to be furnished, in exchange for an illegal controlled substance, or constitute proceeds traceable to such an exchange, or were used or intended to be used to facilitate a violation of the Controlled Substances Act.

WHEREFORE, Plaintiff seeks arrest of Defendant Vehicle and forfeiture of same to Plaintiff, determination of the validity and priority of claims of the Claimants and any Unknown Claimants to the Defendant Vehicle, costs and expenses of seizure and of this proceeding, and other proper relief.

Respectfully submitted,

KENNETH J. GONZALES
UNITED STATES ATTORNEY



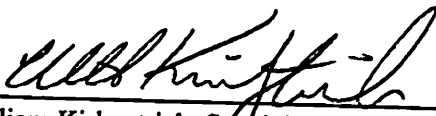
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28 U.S.C. § 1746 DECLARATION

I am an Special Agent with the Drug Enforcement Administration who has read the contents of the Complaint for Forfeiture In Rem to which this Declaration is attached; and the statements contained in the complaint are true to the best of my knowledge and belief.

I declare under penalty of perjury under the laws of the United States of America that this Declaration is true and correct, except as to matters stated on information and belief, and as to those matters I believe them to be true.

DATED: Jan. 31, 2012



William Kirkpatrick, Special Agent
Drug Enforcement Administration